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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION
10 Nathaniel Sobayo, et al., NO. C 09-00615 JW
11 Plaintiffs,
12 v.
13 Chase Home Finance LLC, et al.,
14 Defendants. / **ORDER VACATING HEARING ON
ORDER TO SHOW CAUSE; VACATING
CASE MANAGEMENT CONFERENCE;
SETTING DEADLINE TO FILE
RESPONSIVE PLEADINGS OR
DISPOSITIVE MOTIONS**

15 Plaintiffs are proceeding in this action *pro se*. On May 13, 2009, the Court issued an Order
16 dismissing Plaintiffs' complaint and setting a deadline of May 29, 2009 for Plaintiffs to file an
17 amended complaint. (See Docket Item No. 29.) On June 9, 2009, Defendant Chase Home Finance
18 LLC filed a Motion to Dismiss based on Plaintiffs' failure to file an amended complaint. (See
19 Docket Item No. 30.) On June 12, 2009, the Court issued an Order to Show Cause Re: Dismissal,
20 ordering Plaintiffs to appear on June 29, 2009 to show cause why this action should not be dismissed
21 for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (See Docket
22 Item No. 31.) The Court also ordered Plaintiffs to file a certificate setting forth the reason that no
23 amended complaint had been filed. (Id.)

24 On June 18, 2009, Plaintiffs timely filed a response to the Court's June 12, 2009 Order to
25 Show Cause, explaining that Plaintiffs are seeking counsel to represent them in this action. (See
26 Docket Item No. 35.) Plaintiffs also filed an Amended Complaint. (See Docket Item No. 33.)

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1 In light of Plaintiffs' representation, and their *pro se* status, the Court ORDERS as follows:

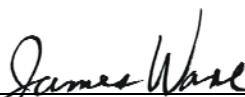
2 (1) The June 29, 2009 Order tho Show Cause hearing and Case Management Conference
3 are VACATED;

4 (2) Plaintiffs' June 18, 2009 Amended Complaint shall serve as the operative Complaint
5 in this action;

6 (3) Defendants' Motion to Dismiss is DENIED as moot and the hearing on the Motion
7 set for September 21, 2009 is VACATED;

8 (4) Defendants shall file a responsive pleadings or appropriate dispositive motions. A
9 hearing on any dispositive motions will be held on **October 5, 2009 at 9 a.m.** All
10 briefing on such motion shall be in accordance with the Civil Local Rules of the
11 Court;

12 Dated: June 24, 2009

13 
14 JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Jason M. Julian jmj@severson.com
Regina Jill McClendon rjm@severson.com
3 Ronald M. Arlas ron.arlas@greenpoint.com

4 Emmanuel & Alice Osindele
5 Nathaniel Basola Sobayo
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9 **Dated: June 24, 2009**

Richard W. Wieking, Clerk

10 By: /s/ JW Chambers
11 Elizabeth Garcia
12 Courtroom Deputy